

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicants: Koudai YOSHIZAWA *et al.*  
Title: SOLID POLYMER FUEL CELL  
Appl. No.: 10/578,909  
International Filing Date: 11/2/2004  
371(c) Date: 05/12/2006  
Examiner: CONLEY, HELEN O.K.  
Art Unit: 1795  
Confirmation No.: 3226

**RESPONSE TO ELECTION OF SPECIES REQUIREMENT, AND  
PRELIMINARY AMENDMENT UNDER 37 CFR 1.115**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

**Response to Election of Species Requirement.** In response to the Office Action dated December 1, 2009, Applicants hereby elect Claim 11 drawn to an even number of bent passages, which are readable on the first-third and sixth-eighth embodiments, for prosecution in the subject application.

Applicants, of course, reserve the right to file a divisional application covering the subject matter of the non-elected claims.

Also, claim 10 is being amended below. Claim 10 was incorrectly labeled as claim 2, so the numbering is being fixed. Applicants do not know whether this incorrect label played any part in the Examiner's requirement for an election of species. However, Applicants respectfully submit that claim 10 is a generic claim to both the species (i.e., "odd number" and "even number" of bent passages. Examination of claim 10 would render the election of species moot.

**Amendment to Claim 10.** Prior to examination of the present Application, Applicants respectfully request that the application be amended as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 3 of this document.

**Remarks/Arguments** begin on page 6 of this document.

Please amend the application as follows: